



General Assembly

Amendment

January Session, 2003

LCO No. 7065

HB0642807065HD0

Offered by:

REP. BACKER, 121st Dist.

REP. DELGOBBO, 70th Dist.

To: House Bill No. 6428

File No. 96

Cal. No. 105

"AN ACT CONCERNING TECHNICAL REVISIONS TO THE UTILITY STATUTES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subdivision (26) of subsection (a) of section 16-1 of the
4 general statutes, as amended by section 1 of substitute senate bill 733
5 of the current session, are repealed and the following is substituted in
6 lieu thereof (*Effective July 1, 2003*):

7 (26) "Class I renewable energy source" means (A) energy derived
8 from solar power, wind power, a fuel cell, methane gas from landfills,
9 ocean thermal power, wave or tidal power, low emission advanced
10 renewable energy conversion technologies, a run-of-the-river
11 hydropower facility provided such facility has a generating capacity of
12 not more than five megawatts, does not cause an appreciable change in
13 the river flow, and began operation after the effective date of this
14 section, or a biomass facility, including, but not limited to, a biomass

15 gasification plant that utilizes land clearing debris, tree stumps or
16 other biomass that regenerates or the use of which will not result in a
17 depletion of resources, provided [such facility begins operating on or
18 after July 1, 1998, and] such biomass is cultivated and harvested in a
19 sustainable manner [, except that energy derived from a biomass
20 facility that began operation before July 1, 1998, may be considered a
21 Class I renewable energy source, provided] and the average emission
22 rate for such facility is equal to or less than .075 pounds of nitrogen
23 oxides per million BTU of heat input for the previous calendar quarter,
24 [and] except that energy derived from a biomass facility with a
25 capacity of less than five hundred kilowatts that began construction
26 before July 1, 2003, may be considered a Class I renewable energy
27 source, provided such biomass is cultivated and harvested in a
28 sustainable manner, or (B) any electrical generation, including
29 distributed generation, generated from a Class I renewable energy
30 source.

31 Sec. 2. Subdivision (41) of subsection (a) of section 16 of the general
32 statutes, as amended by section 2 of substitute senate bill 733 of the
33 current session is repealed and the following is substituted in lieu
34 thereof (*Effective July 1, 2003*):

35 (41) "Federally mandated congestion costs" means any cost
36 [imposed] approved by the Federal Energy Regulatory Commission as
37 part of New England Standard Market Design including, but not
38 limited to, locational marginal pricing and reliability must run
39 contracts.

40 Sec. 3. Subsection (h) of section 16-244c, as amended by section 4 of
41 substitute senate bill 733 of the current session, is repealed and the
42 following is substituted in lieu thereof (*Effective July 1, 2003*):

43 (h) The electric distribution company shall be entitled to recover
44 reasonable costs incurred as a result of providing standard offer
45 electric generation services pursuant to the provisions of subsection (a)
46 of this section, transitional standard offer service pursuant to

47 subsection (b) of this section, standard service pursuant to subsection
48 [(d)] (c) of this section or back-up electric generation service pursuant
49 to subsection (f) of this section. The provisions of this section and
50 section 16-244a shall satisfy the requirements of section 16-19a until
51 January 1, 2007.

52 Sec. 4. Subdivision (1) of subsection (j) of section 16-244c of the
53 general statutes, as amended by section 4 of substitute senate bill 733
54 of the current session, is repealed and the following is substituted in
55 lieu thereof (*Effective July 1, 2003*):

56 (1) Notwithstanding the provisions of subsection (d) of this section
57 regarding an alternative transitional standard offer option or an
58 alternative standard service option, an electric distribution company
59 providing transitional standard offer service, standard service,
60 supplier of last resort service or back-up electric generation service in
61 accordance with this section shall contract with its wholesale suppliers
62 to comply with the renewable portfolio standards. [by contracting with
63 an electric supplier to meet such standards.] The Department of Public
64 Utility Control shall annually conduct a contested case, in accordance
65 with the provisions of chapter 54, in order to determine whether the
66 electric distribution [company] company's wholesale suppliers met the
67 renewable portfolio standards during the preceding year. [The
68 department shall require a payment by any such] An electric
69 distribution company [that] shall include a provision in its contract
70 with each wholesale supplier that requires the wholesale supplier to
71 pay the electric distribution company an amount of five and one-half
72 cents per kilowatt hour if the wholesale supplier fails to comply with
73 the renewable portfolio standards during the subject annual period. [in
74 the amount of five and one-half cents per kilowatt hour. The
75 department shall allocate such payment] The electric distribution
76 company shall promptly transfer any payment received from the
77 wholesale supplier for the failure to meet the renewable portfolio
78 standards to the Renewable Energy Investment Fund for the
79 development of Class I renewable energy sources. [A payment
80 incurred pursuant to this subdivision shall not be deemed a

81 recoverable operating expense in a rate proceeding held pursuant to
 82 section 16-19.] Any payment made pursuant to this section shall not be
 83 considered revenue or income to the electric distribution company.

84 Sec. 5. Subsection (k) of section 16-245 of the general statutes, as
 85 amended by section 6 of substitute senate bill 733 of the current
 86 session, is repealed and the following is substituted in lieu thereof
 87 (*Effective July 1, 2003*):

88 (k) Any licensee who fails to comply with a license condition or
 89 who violates any provision of this section, except for the renewable
 90 portfolio standards contained in subsection (g) of this section, shall be
 91 subject to civil penalties by the Department of Public Utility Control in
 92 accordance with section 16-41, or the suspension or revocation of such
 93 license or a prohibition on accepting new customers following a
 94 hearing that is conducted as a contested case in accordance with
 95 chapter 54. Notwithstanding the provisions of subsection (d) of [this]
 96 section 16-244c, as amended by substitute senate bill 733 of the current
 97 session, regarding an alternative transitional standard offer option or
 98 an alternative standard service option, the department shall require a
 99 payment by a licensee that fails to comply with the renewable portfolio
 100 standards in accordance with subdivision (4) of subsection (g) of this
 101 section in the amount of five and one-half cents per kilowatt hour. The
 102 department shall allocate such payment to the Renewable Energy
 103 Investment Fund for the development of Class I renewable energy
 104 sources."

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>
Sec. 3	<i>July 1, 2003</i>
Sec. 4	<i>July 1, 2003</i>
Sec. 5	<i>July 1, 2003</i>